

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN**

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 15559 of 2007(B)

**AGAINST THE ORDER IN EP.441/2006 IN
RCP.64/2001 of MUNSIFF COURT,CHAVAKKAD**

PETITIONER:

**V.L.SEBY, S/O.VELLARA LONAPPAN (LATE),
VELLARA HOUSE, KUNNAMKULAM, THRISSUR ROAD,
THALAPPILLY TALUK.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

**K.J.VARGHESE,
ROOM NO.1/339, SUDARSINI BUILDINGS,
MUTHUVATTUR, NEAR GOVT.HIGH SCHOOL,
P.O.MUTHUVATTUR.**

BY

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C).15559/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER PASSED BY THE RENT CONTROL COURT OF CHAVAKKAD IN R.C.P.NO.64/2001 DATED 17.10.2002.

EXT.P2: COPY OF THE ORDER PASSED BY THE COURT OF THE RENT CONTROL APPELLATE AUTHORITY, THRISSUR IN R.C.A.NO.5/2003 DATED 30.3.2006.

EXT.P3: COPY OF THE PROCEEDINGS OF THE RENT CONTROL COURT OF CHAVAKKAD IN E.P.NO.441/2006 IN R.C.P.NO.64/2001.

/TRUE COPY/

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

W.P.(C).NO.15559 OF 2007 (B)

Dated this the 12th day of June, 2007

J U D G M E N T

KOSHY,J.

Petitioner herein is the petitioner in E.P.No.441/2006. The respondent was ordered to vacate the schedule building in R.C.Petition No.64/2001. Appeal against the same was dismissed as can be seen from the judgment in R.C.A.No.5/2003 (Ext.P2). It is the contention of the petitioner that when execution petition was filed that is unduly prolonged. E.P. was being adjourned for long time. On 28.1.2007 the case was posted. It was adjourned to 11.10.2007 to file counter and payment. We have called explanation through the Registry from the Munsiff, Chavakkad, and according to Munsiff, thinking that it is a money decree, it was adjourned like that and due to heavy work, mind was not applied. It is very sad that when an E.P. is filed in a Rent Control matter, court is dealing with the matter as if it is execution petition in a

money decree. According to the Officer what was meant by him was that adjourned for 'counter and finally hearing' instead of 'counter and payment'. Even then adjournment by eight months in execution petition is unheard of. Execution court must be more careful in dealing with cases. The execution court is directed to prepone the proceedings and dispose of the Execution Petition within one month from the date of receipt of the copy of this judgment with notice to the counsel appearing for the respondents. A copy of this judgment may be sent on the Presiding Officer directly by the Registry. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

8th June, 2007